

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, et al.,

*Plaintiffs,*

v.

GREGORY W. ABBOTT, et al.,

*Defendants.*

5:21-cv-844-XR

LULAC TEXAS, et al.,

*Plaintiffs,*

v.

JANE NELSON, et al.,

*Defendants.*

1:21-cv-0786-XR

**LULAC PLAINTIFFS' UNOPPOSED MOTION TO EXTEND DEADLINE FOR BILL  
OF COSTS AND MOTION FOR ATTORNEY'S FEES**

Plaintiffs LULAC Texas, Texas Alliance for Retired Americans, Texas AFT, and Voto Latino (collectively "LULAC Plaintiffs") respectfully request the Court extend their deadline to file a bill of costs and move for attorney's fees. State Defendants, Intervenor-Defendants, the Dallas County Defendants, and the Harris County Clerk are unopposed to this request.

On September 28, 2024, the Court issued findings of fact and conclusions of law and enjoined the Attorney General, Secretary of State of Texas, and District Attorneys of Travis County, Dallas County, Hidalgo County, and the 34th Judicial District from enforcing SB 1 Section

7.04, codified at Texas Election Code § 276.015. ECF No. 1157. On September 30, 2024, State Defendants and Intervenor-Defendants filed a motion to stay the injunction pending appeal, ECF No. 1159, which the Court denied on October 1, ECF No. 1161. Later that day both State Defendants and Intervenor-Defendants filed their notices of appeal. ECF Nos. 1162, 1163. The appeal, including a motion for stay before the Fifth Circuit, is now pending. *See generally LUPE v. Abbott*, No. 24-50783 (5th Cir.).

A “prevailing party” in an action to enforce 42 U.S.C. § 1983 may seek attorney’s fees. 42 U.S.C. § 1988(b). And they may do so from “any order from which an appeal lies.” Fed. R. Civ. P. 54(a). Federal Rule of Civil Procedure 54(d)(2) requires that unless provided otherwise, a “claim for attorney’s fees and related nontaxable expenses must be made by motion” and must “be filed no later than 14 days after the entry of judgment.” Similarly, costs “should be allowed to the prevailing party,” Fed. R. Civ. P. 54(d)(1), and “[a] party awarded costs shall prepare and file a proposed bill of costs . . . not later than 14 days after the entry of judgment,” L.R. CV-54(a).

Postponing adjudication on costs and fees until the appeal is resolved would reduce the overall expenses incurred in the case, since the parties would not have to separately litigate costs and fees issues for trial and appeal but could instead file consolidated briefing all at once. Plaintiffs OCA-Greater Houston and the League of Women Voters of Texas have separately moved this Court for such an order. ECF No. 1165. The Court granted that motion by text order on October 4, 2024.

Given the ongoing appeal, LULAC Plaintiffs respectfully request that the Court exercise its authority to similarly extend their deadline to file a bill of costs and move for attorney’s fees to thirty (30) days after the Court of Appeals issues the mandate in the appeal stemming from the Court’s September 28, 2024 Order, ECF No. 1157. And if any party petitions for certiorari after

the mandate issues, Plaintiffs request that the court further extend these deadlines until thirty (30) days after resolution of the petition for certiorari and any subsequent proceeding.

State Defendants, Intervenor-Defendants, the Dallas County Defendants, and the Harris County Clerk are unopposed to this requested relief.

Dated: October 11, 2024

Respectfully submitted,

/s/ Uzoma N. Nkwonta

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**CERTIFICATE OF SERVICE**

On October 11, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Uzoma N. Nkwonta  
Uzoma N. Nkwonta